

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION,

Plaintiff,  
v.

TEXAS ROADHOUSE, INC., TEXAS  
ROADHOUSE HOLDINGS LLC, and  
TEXAS ROADHOUSE MANAGEMENT  
CORP., d/b/a TEXAS ROADHOUSE,

Defendants.

Civil Action No. 1:11-cv-11732-  
DJC

**~~PROPOSED~~ ORDER REGARDING UNRETURNED RELEASES**

Despite numerous efforts to contact eligible Claimants, a letter notifying them that “[i]f you do not complete, sign, and return the release, you will receive nothing,” and a Release form that informed Claimants they had to return it no later than 45 days after the Notice Date, a number of individuals who EEOC determined were Claimants eligible for distributions from the Settlement Fund have not returned the signed release that is required under Paragraph 55 of the Consent Decree as a condition to receive payment from the Qualified Settlement Fund (“QSF”). The Consent Decree, which is set to expire on September 30 of this year, was silent on the issue of how to provide finality to all parties in the event some Claimants failed to return their releases. The parties wish to provide for such finality by informing these Claimants that if they do not return their releases by 45 days from an order of the Court, their right to receive a payment from the QSF will be terminated.

The Court agrees and **Orders** EEOC, through the Claims Administrator, to send by regular mail forthwith the Notice attached as Exhibit 1 to the last known address of each Claimant listed in Exhibit 2. The Claims Administrator may also send the Notice by electronic mail, if an email address is available. If the Claims Administrator does not receive a signed release from the Claimant by 45 days from this Order, the Claimant's right to receive any payment from the QSF shall be extinguished.

**IT IS SO ORDERED.**

April 27, 2020



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United States District Judge

## Exhibit 1

# FINAL NOTICE

Re: ***EEOC v. Texas Roadhouse, Inc., Texas Roadhouse Holdings LLC and Texas Roadhouse Management Corp. d/b/a Texas Roadhouse, Case No. 1:11-cv-11732-DJC***

Date: [Date of Mailing]

Dear Claimant,

You are receiving this Notice because you were found eligible to receive a payment from the settlement fund created by the Consent Decree in the above-referenced case and you have not returned the signed release that Paragraph 55 of the Consent Decree requires before payment can be mailed.

Included with this Notice is the Release that you must complete, sign, and return either in the enclosed envelope or by email if you want to receive the payment stated in the Release. (If you did not receive this notice by mail, you must return the completed form by email to [markus.penzel@eeoc.gov](mailto:markus.penzel@eeoc.gov), or use your own envelope and mail it to:

EEOC v. Texas Roadhouse, Inc. Administrator  
P.O. Box 404017  
Louisville, KY 40233-4017

**If we do not receive the completed and signed release form by [insert date = 45 days from date of Court's order], your right to receive anything from the settlement fund will be cut off and you will receive nothing.**

Frequently Asked Questions and Answers:

1. Do I have the right to challenge the amount? **Answer:** No.
2. Is the money taxable? **Answer:** Yes. It will be treated as wages and appropriate withholdings will be made. Texas Roadhouse will pay its share of employer-side payroll taxes as well.
3. In plain English, what am I giving up by signing the release? **Answer:** You are giving up the right to sue Texas Roadhouse for any age discrimination under federal law as a result of Texas Roadhouse's failure to hire you for a front-of-house position between January 1, 2007, and December 31, 2014.
4. How long will it take the check to arrive after I return the release? **Answer:** You should receive the check no later than September 30, 2020.

If you have any other questions, you may contact the EEOC by email at [markus.penzel@eeoc.gov](mailto:markus.penzel@eeoc.gov) or by phone at 1-617-565-3193.

## Exhibit 2

DONNA	DUNN
ERNEST	METZ
GLENNIS J	ALOCCHO
SARAH	MATERN
THOMAS W	TAYLOR
ANGELA	SMALLWOOD
SCOTT	WHITE
MARY	DICE
LIDIA	DILUCCIA
SHERRYL	HUGHES
RONDA	LABIER
SARAH	OLIVER
TRACY	REED
FRANKLIN	WILLIAMS
ROCKIE	ELEDGE
CHRISTINE	BOVE
MICHAEL	HUNSUCKER
NANNETTE	MULLEN
MICHAEL	RINZ
PATRICIA	LOWDER
BARBARD	ANDERSON
CINDY	CORDLE
LORI	DOVE
KIMBERLY	HARRIS
ROBERT	KLEMBARSKY
ROBIN	LAFRANCE
DIANNE	NEWMAN
RENEE	RIVERS
SHELLY	ROBERTS
DURRICK	WHITE
MELISSA	WINSTEAD
ANGELIA	LOWE
CHRIS	MASINO
JON SCOTT	WILLIAMS
JULIE C	FIGUEROA
MICHELLE	SMALLWOOD
ROBINA	BYRD
RON	SELLERS
SHARA	NORMAN
TODD W	ALLEN
TOMMY	AHLERS
KATE	HUBBEL